

**To: Honorable Anthony J. Scirica, Chair
Standing Committee on Rules of Practice and Procedure**

**From: David F. Levi, Chair, Advisory Committee on
the Federal Rules of Civil Procedure**

Date: May 14, 2001

Re: Report of the Civil Rules Advisory Committee

Introduction

The Civil Rules Advisory Committee met on March 12, 2001, and April 23 and 24, 2001, at the Administrative Office of the United States Courts in Washington, D.C. It voted to recommend adoption of a new rule and rules amendments that were published for comment in August 2000 and January 2001, with modifications in response to the public comments. Part I of this report details these recommendations in four parts. The first relates to new Civil Rule 7.1, governing corporate disclosure; this proposal parallels published proposals to amend Appellate Rule 26.1 and to adopt a new Criminal Rule 12.4, and may be affected by the proposal to publish a Bankruptcy Rule that would depart from these other proposals in significant ways. The second relates to amendments of Civil Rule 58 aimed at the "separate document" requirement, including a conforming amendment of Civil Rule 54; these proposals are integrated with proposals to amend Appellate Rule 4(a)(7), and indeed began with the Appellate Rules Committee. The third relates to Civil Rule 81, which would be amended to integrate better with the separate rules governing § 2254 and § 2255 proceedings; it began in

conjunction with review of those rules, but can be separated from them as the Criminal Rules Committee continues its work on them. The fourth and final part is a set of technical amendments to conform forfeiture provisions of the Supplemental Admiralty Rules to legislative changes that occurred too late to be recognized in the Admiralty Rules amendments that took effect on December 1, 2000.

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I Action Items: Rules Published For Comment

A. RULES PUBLISHED FOR COMMENT IN AUGUST 2000

Three sets of rules proposals were published for comment in August 2000. The hearing scheduled for January 29, 2001 was cancelled because no one wished to testify. Summaries of the written comments are provided with the discussion of each proposal. Almost all of the comments were devoted to issues that were discussed thoroughly before the proposals were published. Although the debates are familiar, the views of experienced practitioners and widely representative bar groups lend added support to some of the competing positions.

Discussion of each of these proposals is complicated by the fact that none of them is the sole responsibility of the Civil Rules Advisory Committee among the advisory committees. Indeed, it is fair to say that none of them originated with the Civil Rules Committee. It was possible to coordinate discussion in the Civil Rules Committee with actions taken at the earlier meetings of the Appellate Rules and Bankruptcy Rules Advisory Committees. As to the Criminal Rules Committee, consultation between the reporters was all that was possible.

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Each proposal is presented in the form recommended for adoption. Changes from the published versions are described after the summary of comments for each rule.